

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES BECOAT,

Plaintiff,

v.

MONTE JORDANA LEVY,

Defendant.

2:15-cv-02272-GMN-GWF

ORDER

I. DISCUSSION

On February 26, 2016, this Court dismissed Plaintiff's case without prejudice for failure to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee of \$400 on or before February 19, 2016. (ECF No. 10 at 1-3). The Clerk of Court entered judgment the same day. (ECF No. 11).

On April 12, 2016, Plaintiff filed a motion to vacate dismissal. (ECF No. 12 at 1). Plaintiff states that he now sees that the Court dismissed his complaint "for failure to send the financial certificates and other financial information." (*Id.*). Plaintiff states that he did send the requested information. (*Id.*). Plaintiff asserts that he sent two originals "signed in red ink by Elizabeth Campbell, Acct. Asst. III." (*Id.* at 2).

Pursuant to Federal Rule of Civil Procedure 60(b), the Court may relieve a party from final judgment or order for "any other reason that justifies relief." Fed. R. Civ. P. 60(b)(6). The Court now grants Plaintiff's motion to vacate. (ECF No. 12). The Court now vacates its dismissal order (ECF No. 10) and judgment (ECF No. 11) and gives Plaintiff one final opportunity to file a fully complete application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis* on or before Friday, May 27, 2016. If Plaintiff has difficulties obtaining the required financial documentation, he must notify the Court in writing prior to the May 27, 2016 deadline.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the motion to vacate dismissal (ECF No. 12) is granted.

IT IS FURTHER ORDERED that the Clerk of the Court shall vacate the dismissal order (ECF No. 10) and judgment (ECF No. 11) and reopen this case.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **Friday, May 27, 2016**, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case when he is able to acquire the necessary documents to file a complete application to proceed *in forma pauperis*.

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1 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
2 dismissal of this action may result.

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4 DATED: This 20 day of April, 2016.

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8 Gloria M. Navarro, Chief Judge
9 United States District Court
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